

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**DENNIS APPEL and  
CHRISTOPHER BOSHOFF**

**PLAINTIFFS**

**V.**

**NO. 4:21-CV-37-DMB-JMV**

**KYLE MILLS TRUCKING &  
CUSTOM HARVESTING, LLC  
and KYLE MILLS**

**DEFENDANTS**

**ORDER**

After the defendants failed to make payments under a settlement agreement the parties reached to resolve this litigation, the plaintiffs filed a motion to enforce the settlement agreement. Doc. #38. On July 6, 2022, this Court granted the motion and directed the defendants “to execute within ten (10) days ... all documents to effectuate the settlement and, within the same time period, pay the plaintiffs the full amount due under the settlement agreement.” Doc. #54 at 6. The order further provided that “[w]ithin fourteen (14) days ... the plaintiffs may file a motion for attorney’s fees and costs associated with their filing of the motion to enforce settlement.” *Id.*

On July 20, 2022, the plaintiffs filed a motion for attorney’s fees in the amount of \$13,646.70, Doc. #56, and a memorandum in support, Doc. #57. In the memorandum, the plaintiffs state that because the defendants “have once again failed to pay without any justification,” they “expect to file one or more motions addressing this noncompliance within the coming weeks.” Doc. #57 at 2 & n.1.

Given the defendants’ alleged noncompliance with the Court’s July 6 order and the plaintiffs’ expectation that they will file additional motions to address such, the Court presumes

the plaintiffs will incur additional attorney's fees in attempting to collect the settlement funds and will ultimately seek to recover these additional fees from the defendants. Because the Court finds that in the interest of judicial efficiency all requests for fees by the plaintiffs should be incorporated in a single motion to be addressed by the Court, particularly since a final judgment in this case has not yet been entered, the motion for attorney's fees [56] is **DENIED without prejudice** to renewal by the plaintiffs, which renewal may include a request for fees beyond \$13,646.70.

**SO ORDERED**, this 22nd day of July, 2022.

/s/Debra M. Brown  
**UNITED STATES DISTRICT JUDGE**